

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In Re: § Case No. 24-33525
MARY BETH AVERA §
Debtor § Chapter 7
§ § Judge Jeffrey P. Norman

**DEBTOR'S MOTION FOR AUTHORITY TO REDEEM
PERSONAL PROPERTY AND APPROVAL OF ASSOCIATED FINANCING
AND ATTORNEY'S FEES UNDER 11 U.S.C. § 722**

NOTICE

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within twenty-one (21) days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing set on November 20th at 1:30pm, in 515 Rusk Street Houston, TX 77002 Courtroom 403. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing. Represented parties should act through their attorney.

TO THE HONORABLE JUDGE OF THIS COURT:

Debtor(s), MARY BETH AVERA, by and through Debtor's Counsel, the RESOLVE LEGAL GROUP, moves the Court pursuant to 11 U.S.C. § 722 and FED. R. BANKR. P. 6008 for a Redemption Order on the following grounds:

1. **Property.** The item to be redeemed is tangible personal property intended primarily for personal, family or household use is more particularly described as follows (the "Vehicle" or the "Property"):

Year/Make/Model: **2017 FORD ESCAPE**
VIN: 1FMCU0F76HUE26135

2. **Creditor.** The property is subject to a lien held by the following creditor (the "Creditor"):

Creditor: **Bridgecrest Acceptance Corp.**
Attn: Bankruptcy
7300 East Hampton Ave. Ste 100
Mesa, AZ 85209-3324

The debt owing the Creditor is a dischargeable consumer debt.

3. **Exemption or Interest of Estate.** The interest of the Debtor(s) in such property is exempt or has been abandoned by the estate and the debt (which is secured by said property to the extent of the allowed secured claim of the Creditor) is a dischargeable consumer debt.

4. **Redemption Value.** The allowed secured claim of said Creditor for purposes of redemption, the “**redemption value**,” should be determined to be not more than **\$6,844.00**, as evidenced by the attached written appraisal attached hereto as **Exhibit 1** and incorporated by reference as if set forth fully herein.
5. **Lump Sum Payment to Redeem Property.** Arrangements have been made by the Debtor (s) to pay to the said Creditor up to the aforesaid amount in a lump sum should this motion be granted.
6. **Financing Terms for Redemption.** The payment for this proposed redemption is to be financed through **722 Redemption Funding, Inc.**, with all of the particulars of that financing (interest rate, finance charge, amount financed, total of payments, amount of payments, etc.) set forth in full detail in the attachment(s) hereto as **Exhibit 2** and incorporated by reference as if set forth fully herein.. As demonstrated there, the monthly amount, term of the payments and the overall amount of the repayment will be decreased significantly through the proposed redemption.
7. **Additional Legal Fees for Redemption.** Moreover, the Debtor has agreed to borrow and disperse additional funds in the amount of **\$750.00**, from their loan with 722 Redemption Funding, Inc. (the “Lender”), for representation of the debtor(s) in securing for the benefit of the debtor(s) an order granting the debtor(s) the right to redeem under 11 U.S.C. 722 a certain motor vehicle, such compensation being in addition to that previously disclosed and being for services rendered beyond the scope of the legal services to have been rendered for such compensation heretofore disclosed.
8. **Notice.** Notice is hereby given that unless an objection is made to this motion within twenty- one (21) days following the date of service below, an order sustaining the motion may be granted by the Court.
9. **Witness and Exhibit List.**
 - a. The following **witnesses** may be called by Debtor(s)’ Counsel:
 - i. Debtor, Mary Beth Avera
 - ii. Alan D. Borden, attorney at Resolve Legal Group
 - iii. Representative of 722 Redemption Funding, Inc.
 - iv. Debtor(s)’ Counsel reserves the right to call any witness designated by any other party.
 - b. The following **exhibits** may be offered on behalf of the Debtor herein:
 - i. Exhibit 1: Appraisal of Vehicle
 - ii. Exhibit 2: Financing with Lender
 - iii. Judicial Notice: Debtor(s)’ Counsel requests that the Court take judicial notice of the docket report, pleadings, affidavits, petition, schedules, plan, and related documents on file with the Court in the above-referenced case.
 - iv. Business Records Affidavits, if applicable

10. **Request for Telephonic Hearing.** Debtor(s)' Counsel requests a telephonic hearing on the Motion, if permitted by the Court.

WHEREFORE, PREMISES CONSIDERED Debtor(s) respectfully request the Court to order the said Creditor to accept from the Debtor(s) the lump sum payment of the redemption value and release their lien of record. In the event the said Creditor objects to this motion, the Debtor(s) request the Court to determine the value of the property as of the time of the hearing on such objection, approve the post-petition financing by the chapter 7 debtor, and to grant such other and further relief as the Debtor is justly entitled or the Court finds is in the interest of fairness and justice.

Respectfully submitted,

RESOLVE LAW GROUP,
a registered dba of The Price Law Group, APC

/s/ Alan D. Borden
Alan D. Borden
FL Bar No. 58250
801 Travis Street, Suite 2101
Houston, TX 77002
Phone: (832) 709-1941
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ATTORNEY FOR DEBTOR(S)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on or before October 18, 2024, a true and correct copy of the foregoing motion was served electronically and/or by regular, first class U.S. mail, postage prepaid, on the Office of the U.S. Trustee, the Chapter 7 Trustee, the Debtor, the following creditor affected by the motion, and to each party, representative, or attorney who has appeared herein or otherwise is receiving ECF notices in the above-referenced case:

Debtor: Mary Beth Avera
1453 Chapparal Rd
Montgomery, TX 77316

Creditor: (VIA CERTIFIED MAIL)
Bridgecrest Acceptance Corp.
Attn: Bankruptcy
7300 East Hampton Ave. Ste 100
Mesa, AZ 85209-3324

/s/ Alan D. Borden
Alan D. Borden